<u>REMARKS</u>

This Request for Reconsideration is respectfully submitted in response to the outstanding Office Action of May 19, 2003.

The Office Action rejected Claims 16, 18 and 20-22 under 35 U.S.C. §102(e) as being anticipated by the Samuels reference (U.S. Patent No. 5,937,225). Similarly, the Office Action rejected Claims 17, 19 and 23 under 35 U.S.C. §103(a) as being obvious over the Samuels reference in view of the Garr reference (U.S. Patent No. 5,802,420); rejected Claims 13-14 under 35 U.S.C. §103(a) as being obvious over the combination of the Samuels and the Owa reference (U.S. Patent No. 6,348,971); rejected Claim 15 under 35 U.S.C. §103(a) as being obvious over the combination of the Samuels and Garr references; rejected Claims 1, 3 and 6 under 35 U.S.C. §103(a) as being obvious over the Samuels references and the Yano reference (U.S. Patent No. 6,476,926) and/or the Owa reference; rejected Claims 2, 4, 5 and 7-10 under 35 U.S.C. §103(a) as being obvious over the Samuels reference, the Yano reference and/or the Owa reference, in combination with the Garr reference; and rejected Claims 11 and 12 under 35 U.S.C. §103(a) as being obvious over the Samuels reference, Yano reference and/or the Owa reference, in combination with the Brown reference (U.S. Patent No. 5,970,725).

The Applicants respectfully traverse the above rejections.

The Applicants point to Claim 16 which includes, *inter alia*, the following elements:

> (b) predicting a required ink amount indicating an ink amount required by a printer for performing print operations, the print operations being performed for forming a print image on recording medium based on the print data;

> (c) detecting a remaining ink amount indicating an ink amount remaining in the printer;

2

(d)   comparing the required ink amount with the remaining ink amount;

(e)   determining whether or not the remaining ink amount is sufficient for the printer to complete the print operations based on the print data ...

With respect to step (b) above, the Office Action appears to equate the global pixel count of the Samuels reference with the remaining ink amount of the presently claimed invention. However, in the Samuels reference, the pixel count (toner amount) detected by element 32 is sent to the global pixel count entity 33 and is added to the global pixel count. The global pixel count indicates the total toner amount consumed since the cartridge was exchanged or refilled. The global pixel count of the Samuels reference therefore differs from the remaining ink amount of the presently claimed invention.

With respect to step (c) above, it is respectfully submitted that the Samuel reference compares the global pixel count, which is the accumulated amount of toner used, with a threshold value, but does not compare a required amount with a remaining amount.

With respect to step (d) above, it is respectfully submitted that the Samuels reference at column 4, lines 6-7 and 12-14 which the Examiner cites, discloses that if the global pixel count approaches the global threshold, a signal may be generated and that upon receipt of the message, the user may decide to replace or refill the toner. However, the Samuel reference does not notify the user as to whether the remaining ink (toner) is sufficient for printing specific print data.

With respect to step (e) above, it is respectfully submitted that the Samuels reference at column 4, lines 25-28, indicates that if a job consumes a lot of toner, the user will be notified before printing is started for the job. However, this is different from "determining whether or not

3

the remaining ink amount is sufficient for the printer to complete the print operations based on the print data".

In summary, the passages cited by the Office Action, to wit:

"The status monitor section 13 monitors the status of each printer 2a, 2b, 2c, 2d, 5 and retains the most recent status [information]. ... paper amount, remaining toner amount, remaining ink amount, etc.,)." (col. 4, lines 6-7 and lines 12-14) are not sufficient to disclose or suggest the presently claimed invention. This likewise applies to cited col. 3, lines 40-42 of the Samuels reference. In fact, it is difficult to determine to which passage the Office Action is referring, but it appears to include language from the following: "For example, blocks 11-13 and 16 may be provided by programs called 'printer utilities' or the like. At least one of the blocks, for example, the status monitor section 13, may be a resident program."

It is further respectfully submitted that similar arguments apply to Claims 1, 13 and 14 and further applies to all of the above-identified rejections as none of the references cited in addition to Samuels teaches or suggests the above-identified claim language.

Moreover, the Applicant wishes to respectfully bring to the Examiner's attention that Claim 15 was amended in the prior amendment to include the language "by reducing the size of the image data". It is respectfully submitted that this amended language was not addressed in the Office Action of May 19, 2003.

In view of the above, each of the claims in this application is believed to be in immediate

4

condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the

outstanding rejection of the claims and to pass this application to early issue.

Respectfully submitted,

Gerald Levy
Registration No. 24,419

Ronald E. Brown
Registration No. 32,200

(212) 297-5800
Pitney, Hardin, Kipp and Szuch, LLP
685 Third Avenue
New York, New York 10017-4024